

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>HUMANSIZE CORPORATION,</b>	§	
	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Case No. 1:12-cv-05988-AKH</b>
	§	
<b>MASS ENGINEERED DESIGN, INC.,</b>	§	
<b>AND JERRY MOSCOVITCH</b>	§	
	§	
<b>Defendants.</b>	§	
	§	
	§	
	§	

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**JOINT REQUEST FOR ADJOURNMENT OF CASE MANAGEMENT CONFERENCE  
AND CONTINUATION OF RETURN DATE FOR DEFENDANTS' PENDING RULE 12  
MOTION TO DISMISS TO THE EXTENT IT RELATES TO JURISDICTION**

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Pursuant to the Court's Notice of Conference dated October 10, 2012, and Judge Hellerstein's Individual Rule 1.D, the parties jointly, through their undersigned counsel, request to adjourn the Rule 16 Case Management Conference in the above-captioned matter, which is currently scheduled for January 25, 2013, until such time as the Court has had the opportunity to rule on Defendants' pending Rule 12 motion. (Docket No. 17). The parties also jointly request that the return date and briefing schedule for Defendants' Rule 12 motion, to the extent it relates to jurisdiction and venue, be continued until such time as Defendants' Rule 12 motion, as it relates to service, has been ruled upon—allowing also a period thereafter for the completion of jurisdictional discovery, if necessary.

Counsel for the parties have conferred and agree that Defendants' Rule 12 motion presents a threshold issue of whether service has been effective, and respectfully request that the

Court decide this issue prior to the remaining issues in Defendants' motion to dismiss relating to jurisdiction and venue. If the Court rules that Plaintiff's attempted service on Defendants is effective, the parties further agree and would respectfully request that the Court thereafter allow for a period of jurisdictional discovery to assist in resolution of the remaining issues in Defendants' motion. Counsel are prepared to provide the Court with proposals regarding the scope and timing of jurisdictional discovery either at oral argument regarding the issue of service or at any other time the Court deems convenient.

In accord with the Court's Individual Rule 1.D, counsel for the parties further state that the case management conference has been previously adjourned by the Court to January 25, 2013 on Plaintiff's unopposed request.

Dated: January 18, 2013

Respectfully Submitted,

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**ATTORNEYS FOR DEFENDANTS  
MASS ENGINEERED DESIGN, INC.  
AND JERRY MOSCOVITCH**

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via filing with the Court's ECF system on all counsel of record on Friday, January 18, 2013.

/s/ Brandon M. Jordan \_\_\_\_\_  
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